

Application No: 10/810,019      Docket No.: Q198-US1

Page 8

REMARKS

Claims 1, 4, and 5 are currently amended. Claims 3, 9-10, 12-14, 16-17, 19-24, 26-27, and 55-61 were previously presented. Claims 2, 6-8, 11, 15, 18, 25, and 28-54 are canceled. New claim 62 is added. Accordingly, claims 1, 3-5, 9-10, 12-14, 16-17, 19-24, 26-27, and 55-62 are pending examination.

**Rejection of Claim 1 Under 35 USC §102 and also Rejection of Claim 55 under 35 USC §103**

Claims 1 is amended to recite "a portion of the silicons being linked to a side chain that includes a poly(alkylene oxide)" (paragraph [0019]). This amendment at least partially incorporates subject matter from at least claims 4 and 55. Since claims 4 and 55 are rejected as being unpatentable over U.S. Patent number 6,447,952 (Spiegel) in view of U.S. Patent No. 5,606,077 (Lersch), the below discussion addresses the rejection of claim 1 as being unpatentable over Spiegel in view of Lersch.

Additionally, since independent claim 55 also stands rejected as being unpatentable over Spiegel in view of Lersch, the following discussion also addresses the rejection of claim 55.

Each of the above claims recites a battery having an electrolyte that includes particular compounds. Spiegel does not teach or suggest the claimed compounds used in a battery electrolyte and neither does Lersch. Further, Lersch is not even analogous art as previously argued.

The arguments based on Lersch have been previously presented and found to be non-persuasive. This finding is at least in part based on a reference to the title of an article on the first page of Lersch. This article is not incorporated into the disclosure of Lersch. As a result, for the purposes of further prosecution, it is critical to know whether the Examiner is relying simply on the title of this article or is incorporating the contents of this article into the rejection. **In the event that the Examiner is incorporating the contents of this article into the rejection, the Applicant respectfully requests that a copy of this article be provided to the Applicant.**

Since neither Spiegel nor Lersch teaches or suggests the claimed compounds used in

Application No: 10/810,019      Docket No.: Q198-US1

Page 9

a battery electrolyte, claims 1 and 55 are patentable over the cited art.

**Rejection of claim 3-5, 9-10, 12-14, 16-17, 19-24, 26-27, and 56-62**

Dependent claims 3-5, 9-10, 12-14, 16-17, 19-24, 26-27, and 56-62 each stands rejected under 35 USC §102 or 35 USC §103. Additionally, each of these claims depends directly or indirectly from independent claim 1 or 55. Since independent claims 1 and 55 are each believed to be in condition for allowance, claims 3-5, 9-10, 12-14, 16-17, 19-24, 26-27, and 56-62 are also believed to be in condition for allowance.

Application No: 10/810,019

Docket No.: Q198-US1

Page 10

**CONCLUSION**

The Examiner is encouraged to telephone the undersigned with any questions.

Respectfully submitted,



Travis Dodd

Reg. No. 42,491

Agent for Applicant(s)

Quallion LLC  
P.O. Box 923127  
Sylmar, CA 91392-3127  
818-833-2003 ph  
818-833-2065 fax